

REMARKS

Counsel for the applicant wishes to thank the examiner for the courtesy of the telephone interview on April 3, 2008. The following constitutes a summary of the issues discussed at the interview.

Claims 33-52 are pending. Claims 1-32 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

I. Form 982

The examiner is again reminded that one of the references he cited, European Patent Pub. No. EP1101670, Losey ("Losey") is not listed in any Notice of References Cited, Form PTO-892. All references ever cited by the examiner during the prosecution **must be listed** on a form PTO, even if later withdrawn. (MPEP 1302.12.) It is an abuse of discretion for the examiner to refuse to list a reference, even if the reference is no longer relied upon. Accordingly, the examiner is again respectfully requested to formally make Losey of record by listing Losey in a Notice of References Cited, Form PTO-892, and forwarding a copy of the Form PTO-892 to the undersigned at the earliest opportunity. Alternatively, the examiner is respectfully requested to forward a corrected Form PTO-892 corresponding to the period when the reference was relied upon. (MPEP 707.05(g).)

II. Rejections under 35 USC 103(a)

Claims 33-35, 38, 40, 41, 44, 47, and 50-52 were rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0582081, Matsumoto ("Matsumoto") in view of U.S. Patent Pub. No. 2004/0135670, Guba ("Guba"). Claims 36-37 were rejected under 35 USC 103(a) as being unpatentable over Matsumoto in view of Guba, further in view of U.S. Patent

Application Pub. No. 2298071, Weskow ("Weskow"). Claim 39 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Guba, further in view of U.S. Patent No. 7,027,915, Craine ("Craine"). Claim 42 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Guba, further in view of U.S. Patent No. 6,232,874, Murphy ("Murphy"). Claim 43 was rejected under Matsumoto, Guba, and Murphy, further in view of Weskow. Claims 45-46 and 48-49 were rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Guba, in view of UK Patent Application Pub. No. 2,298,071, Drori ("Drori").

The independent claims have been amended, to recite for example "when the privacy mode is activated, **operation of navigation device functions is permitted but any access to the personal positional information is prohibited** regardless of authentication or lack of authentication, until the unrestricted use mode is activated" (independent claim 33); this clarifies the distinction over the references. Support for the amendment is located for example on page 7, lines 4-8 and 14-18, and FIG. 5B. Insofar as the rejections might be applied to the claims as amended, the rejections are respectfully traversed for reasons including the following, which are provided by way of example.

Matsumoto

Matsumoto is directed to a personal data recording and reproducing device for use in a vehicle. According to Matsumoto, a user enters his password into the device, and the password is checked whether the person is permitted to use the device. (Col. 3, lines 12-20.) If the password identifies a non-admitted person, then input and output of data is prohibited. (Col. 3, lines 12-20.) If the password does not identify a non-admitted person, then in the case of an output request, the password reads-out data stored under the password and outputs the data. (Col.

3, lines 21-22, 37-47.) Public data can be freely inputted and outputted with no password. (Col. 3, lines 53-55.) If an output request is given without entering a password, then data is read-out from open information. (Col. 4, lines 3-9.)

Matsumoto fails to teach or suggest a privacy switch that switches between a privacy mode and an unrestricted use mode for particular information stored in memory. More particularly, Matsumoto fails to teach or suggest, in combination, for example:

- switching “to a privacy mode from an unrestricted use mode.”
- switching modes is “based on an unauthenticated switch operation.”
- deactivating the unrestricted use mode and activating the privacy mode while locking “further activation of the unrestricted use mode” that is unauthenticated, when privacy mode is switched on from unrestricted use mode.
- when the privacy mode is activated, any access to the information of personal significance is prohibited regardless of authentication or lack of authentication, until the unrestricted use mode is activated.
- when the unrestricted use mode is activated, access to the information of personal significance is permitted regardless of authentication or lack of authentication, until the privacy mode is activated.

In contrast, in the claims, the area for privacy can be used in two manners corresponding to the privacy mode and unrestricted use mode by switching between both modes.

In Matsumoto, as in conventional systems, access to data in the privacy mode area can be permitted by using authentic password each time.

In contrast, in the present claims, once the privacy mode is activated, an access to the

private data (the personal positional information) is not permitted regardless of whether there was or was not an authenticated password. Furthermore, in the present claims, once the unrestricted use mode is activated, access to the private data (the personal positional information) is permitted without the password.

The office action admits that Matsumoto fails to teach or suggest that access to the personal positional information is prohibited regardless of authentication or lack of authentication. Guba is cited to remedy the deficiencies of Matsumoto. However, Guba fails to remedy the deficiencies of Matsumoto.

Guba

Guba, paragraph [0017] and [0019] disclose that “navigation advisers” can be controlled when the inserted key is a valet key; thus, all functions of the navigation advisers or devices are disabled.

In the office action, from page 3, last line to page 4, line 2, the examiner contends that Guba’s “disabling of the navigation device while the device is in the privacy mode implies that the buttons of the navigational device is disabled.” In the independent claims, in contrast, “when the privacy mode is activated, operation of navigation device functions is permitted but any access to the personal positional information is prohibited regardless of authentication or lack of authentication, until the unrestricted use mode is activated”. Thus, when the privacy mode is activated, the memory-point button and the home button (for example) cannot access the required personal positional information but the other operations of the navigation device are still permitted. (See also claim 50.) Guba fails to teach or suggest anything about prohibiting access to personal information.

None of the other references disclose anything which could even be argued to be

something like a privacy switch which switches between the modes as further recited.

Hence, Matsumoto and Guba, together or in combination with the other references, fail to teach or suggest the combination of features recited in the independent claims, when considered as a whole.

With respect to the dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the new independent claims, but also because of additional features they recite in combination.

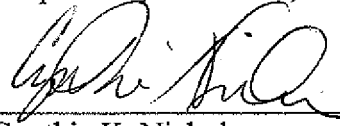
The applicant respectfully submits that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited art shows any of the elements recited in the claims. However, the applicant has provided specific examples of elements in the claims that are clearly not present in the cited art.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicant has provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

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